

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of KAREEM CLEVELAND  
CURNEY, MALCOLM JERROD CURNEY, and  
JAYLIN MICHAEL MAY, Minors.

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DEPARTMENT OF HUMAN SERVICES, f/k/a  
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED  
April 20, 2006

Petitioner-Appellee,

v

ROBIN ELIZABETH MAY,

Respondent-Appellant,

and

KAREEM CLEVELAND CURNEY,

Respondent.

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No. 265151  
Wayne Circuit Court  
Family Division  
LC No. 04-429332-NA

Before: Murphy, P.J., and O'Connell and Murray, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor children following her voluntary release of parental rights. We affirm.

The trial court did not clearly err in failing to provide respondent-appellant with an advice of rights in accord with MCL 710.29 before accepting her voluntary release of parental rights and entering an order terminating her parental rights. That statute applies to accepting a release of parental rights under the Adoption Code, MCL 710.21 *et seq.*, but does not apply to proceedings under the Juvenile Code, MCL 712A.1, *et seq.* A full advice of rights is not required at the time of voluntary release of parental rights under the Juvenile Code. Respondent-appellant's release of parental rights following 14 months of involuntary child protective proceedings did not convert her proceeding under the Juvenile Code to one under the Adoption Code. *In re Toler*, 193 Mich App 474, 477-478; 484 NW2d 672 (1992).

The question on appeal is not a constitutional one of failure to provide an adequate advice of rights, but a factual one of whether respondent-appellant was aware of the ramifications of signing the releases. This Court reviews the trial court's findings of fact under the clearly erroneous standard. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Respondent-appellant was advised by the trial court that she had 21 days to request a rehearing in the event that she "changed her mind," and respondent-appellant requested a rehearing in accord with MCR 3.992(A). Her counsel stated that respondent-appellant inadvertently checked the rehearing box and really intended appeal to this Court, so a rehearing was not held. A review of the entire record showed that respondent-appellant stated that she understood the releases at the time that she signed them, and she set forth no evidence in her motion for rehearing or in her brief on appeal to this Court that demonstrated that she did not understand the permanency of her act. Although the trial court's advice of rights was brief, this proceeding had progressed for 14 months, a termination petition had been filed, respondent-appellant released her parental rights at the outset of the termination hearing after conferring with counsel, and the fact that the hearing would not be held if she signed the releases was made clear. There was no evidence that respondent-appellant did not realize that signing the releases would permanently sever her relationship with her children.

Affirmed.

/s/ William B. Murphy  
/s/ Peter D. O'Connell  
/s/ Christopher M. Murray